

## **DETAILED ACTION**

### ***Election/Restrictions***

1. This Office Action is in regard to the application filed on 3/27/2006. Claims 1-11 have been presented for examination.

### ***Election/Restrictions***

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-3, 6 and 9, drawn to: A media packet structure and a router for routing a media packet comprising an insensitive part including a block of media data and a sensitive part. Claims 1-4, 6 and 9 are classified in class 714, subclass 4.

II. Claims 4, 7, 10-11, drawn to a transmitter for transmitting multimedia content to a receiver via a network comprising: media encoding means for encoding said multimedia content into a media data bitstream, packetizing means for organizing said media data bitstream into blocks of media data, means for calculating error correction codes for correcting a block of media data, transmitter network protocol means for embedding said block of media data into an insensitive part and said error correction codes into a sensitive part of a media-packet, said transmitter network protocol means comprising checksum sub-means for calculating a checksum for protecting said sensitive part: Claims 4, 7, 10-11 are classified in class 714, subclass 752.

III. Claims 5 and 8, drawn to a receiver for receiving a media packet transmitted via a network, said receiver comprising: receiver network protocol means for extracting a received block of media data from an insensitive part and error correction codes from a sensitive part of said received media packet, said receiver network protocol means comprising checksum

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calculating sub-means for checking whether a checksum calculated on said sensitive part is valid, means for correcting said received block of media data using said error correction codes, depacketizing means for inserting said corrected block of media data to a received media bitstream, media decoding means for decoding said received media bitstream: Claims 5 and 8 are classified in class 714, subclass 776.

3. The inventions are distinct, each from the other because of the following reasons:

Inventions Group I, II and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination Group I has separate utility such as media packet structure and a router for routing a media packet including an insensitive part comprising a block of media data and a sensitive part. In the instant case, subcombination Group II has separate utility such as a transmitter for transmitting multimedia content to a receiver via a network. Group III has separate utility such as drawn to a receiver for receiving a media packet transmitted via a network. See MPEP § 806.05(d).

The examiner has required restriction between subcombinations usable together. Where applicant elects a subcombination and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the

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present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are independent or distinct for the reasons given above and the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

A telephone call was made to Michael E. Belk on 10/22/2008 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the

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inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fritz Alphonse whose telephone number is 571-272-3813. The examiner can normally be reached on M-F, 8:30-6:00, Alt. Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques Louis-Jacques can be reached on 571-272-6962. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

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like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/FA/

Examiner, Art Unit 2112

October 16, 2008

/JACQUES H LOUIS-JACQUES/

Supervisory Patent Examiner, Art Unit 2100